



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JANUARY 11, 2005

PRESENT: Acevedo, Benich, Escobar, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Senior Planner (SP) Linder, Deputy Director of Public Works (DDPW) Bjarke, Senior Engineer (SE) Creer, Associate Engineer (AE) Gittleson, and Minutes Clerk Johnson

Chair Weston called the meeting to order at 7:07 p.m., as he led the flag salute.

#### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### OPPORTUNITY FOR PUBLIC COMMENT

Chair Weston opened the public hearing.

Chair Weston announced the meetings of the next two weeks, which will have emphasis on the Measure C allocations hearings.

Chair Weston announced the recent passing of Commissioner Robert Engles. Chair Weston, recalling that Mr. Engles was a long time resident of the City who had been active with several economic groups for betterment of the City, was active with the General Plan Task Force, and a good friend of many, including himself, asked those present to observe a moment of silence in memory of that fine gentleman.

With no members of the audience indicating a wish to speak to items not appearing on the agenda, the public hearing was closed.

#### MINUTES

DECEMBER 14,  
2004

COMMISSIONERS MUELLER/BENICH MOTIONED TO APPROVE THE  
DECEMBER 14, 2004 MINUTES, WITH THE FOLLOWING MODIFICATIONS:  
Page 3, paragraph 4: ...~~1993~~ 1990

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Page 3, paragraph 7: ....and ~~said he~~

Page 4, paragraph 7: development. ~~to the north~~

Page 5, paragraph 2 ~~BENICH~~ MUELLER SECONDED

Page 8, paragraph 5: she said, "many changes have occurred ~~since then~~

Page 11 paragraph 3: ... improving 'site sight lines

...other ~~sights~~ sites

... blocks away, ~~if~~

Page 12 paragraph 2: 200 ~~residents~~ more residences

Page 16 paragraph 5: Delete and insert:

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO SEND A MESSAGE TO THE CITY COUNCIL INFORMING THEM OF THE PLANNING COMMISSIONERS WISH TO MOVE DISCUSSION TO THE COUNCIL ON THE TOPICS OF:

- CONSIDERATION OF MORE CONSISTENT DENSITY WITH UP TO 60 DWELLINGS PER ACRE
- REVIEW OF THE USES ALLOWED (INCLUDING MIXED USES FOR THE AREA OF DUNNE/BUTTERFIELD)
- DEVELOPMENT OF PLANS AND IMPLEMENTATION PROCEDURES FOR ADDING AT LEAST 50,000 SF ADDITIONAL COMMERCIAL/RETAIL
- IDENTIFY THE SOURCE AND LOCATION OF ADDITIONAL COMMERCIAL/RETAIL SQUARE FOOTAGE

Page 21 paragraph 5: (add) 100 units *in a single year*

Page 22 paragraph 7: ....~~March~~ *January or February.*

Page 23 paragraph 6: ...~~change~~ *be reduced*

Page 26 paragraph 2: ...scoring recommendations *for micro, small, and vertical mixed-use projects*

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

## OLD BUSINESS:

*Commissioner Lyle was excused for the next order of business at 7:14 p.m. due to a potential conflict; he lives within the development under discussion.*

### 1) ZAA-04-01: TILTON- GLENROCK

Review of applicant requested changes to the precise development plan for the Capriano Subdivision on the south side of Tilton Avenue. Staff and the applicant are requesting direction from the Planning Commission on whether proposed changes to the RPD are consistent with prior conditions of approval.

Chair Weston announced he had discussion with the applicant and feels agreement is near. Chair Weston suggested having a subcommittee. The subcommittee, Chair Weston suggested, would be comprised of two members of the Planning Commission, representatives of Staff and the applicant meet, during the week for further discussion. "This project has taken a lot of time during meetings in the past," Chair Weston said, "and will tonight if we continue now. I think it is important to 'to hammer out' issues in a subcommittee meeting."

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Chair Weston volunteered to be on the subcommittee, as did Commissioner Mueller. "We will get together with the applicant and SP Linder later this week and the matter will be agendaized either next week or the following meeting," Chair Weston decided.

Noting that the public hearing had been noticed, Chair Weston opened the public hearing.

Rocke Garcia, the applicant, said, "I think this is an excellent idea to send this to a Subcommittee." Mr. Garcia told Commissioners he has been working with Staff and the issues have been 'narrowed to few items'. Mr. Garcia requested the matter be brought back next week (January 18, 2005) as he submitted plans in January. "If we're successful in the subcommittee meeting, then the matter can be brought back to the Planning Commission as soon as possible, and that would be next week."

Commissioner Mueller reminded Mr. Garcia that it would be necessary to have all the documents submitted and a staff report completed. "Next week may be too close, so we should plan on January 25," Commissioner Mueller said. Mr. Garcia agreed and the individuals involved agreed to plan on meeting Thursday, January 13 at 4:00 p.m.

Having reached the agreement, **COMMISSIONER MUELLER MOVED TO CONTINUE THE PUBLIC HEARING TO JANUARY 25, 2005.**

Commissioner Benich announced that, with respect to Measure C, each point of an allocation is extremely important. "Putting a historical plaque on the property is only worth a half point. Two points is way too much," Commissioner Benich declared.

**COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; LYLE WAS ABSENT.**

*Commissioner Lyle arrived at the dais at 7:19 p.m. and was seated with the Commissioners.*

### **NEW BUSINESS:**

#### **2) RDCS COMPETITION**

Chair Weston announced the 'ground rules':

- discussion of the 'globals' by the Commissioners
- Small, Vertical-Mixed Use, and Micro competitions will be considered at this meeting
- reminder of the points to be given at the Commissioners' discretion of a *superior* rating in the Livable Communities category:
  - if 5 Commissioners agree to - and support the project with a vote, 2 points will be awarded
  - if 4 Commissioners support the project with a vote, 1 point will be awarded
  - 3 or fewer votes will result in 0 points

Chair Weston also announced that he had a conflict with applications MC-04-16 and MC-04-20, so the Vertical-Mixed Use would be heard immediately following the Micros.

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Discussion followed regarding the method of dealing with the global issues. Commissioners felt the list should be dispatched first, then all applicants would be on a 'level playing field of understanding'. Chair Weston said to the members of the audience: "In order to make the process as fair as possible, you need to be succinct in your statements. If you feel the Staff has misinterpreted what you put in the application, tell us."

Commissioner Lyle had been working with Staff to identify and determine the Global Issues. He told the Commissioners that six of the seven so identified are applicable to the Micros and there 'might possibly be an 8<sup>th</sup> on the list'. Commissioner Lyle called attention to the staff report which contained details of each of the Global Issues, which were subsequently discussed. Several of the Global Issues were recommended for return to the Measure C Allocation Award Subcommittee for further clarification of point award.

[Categories and discussion overview of discussion follows]

### # 1 - Street and Parks Part A (Distance from parks and need to cross an arterial)

Commissioner Lyle said locality is important in considering ~~distance~~ *the award of points* to parks (and whether consideration of this issue should be parallel to distances from a school and the need to cross an arterial)

SE Creer said if the project is within 1.5 miles of a park – and crosses an arterial, does it get points? He noticed that under other categories, if an arterial is crossed, the project is scored down.

Commissioner Acevedo asked why there was concern with this category, as all the projects had gotten points except Vertical Mixed Use. Commissioner Lyle agreed this issues was no longer meaningful *for this competition, but it should be considered by the new 'C' subcommittee for change.*

### #2 Schools #2d (Walking distance to Central High School)

Commissioner Lyle said controversy has arisen as one applicant says the project is within walking distance of Central High School and did not get points as scored by the School District on the basis that Central is not a High School.

Commissioner Mueller explained that ~~it is not that~~ *the issue is that* Central High School is not open to the general population, but has categorized enrollment.

Commissioner Escobar said he recalled this same discussion last year and thought Central had been identified as a High School.

SP Linder called attention to a letter from the School District which said Central is not a high school, as students must be referred in order to attend.

Commissioner Lyle informed that he had called Central earlier in the day and discovered a total enrollment of 96 students, with 84 of those being Juniors and Seniors. "Now most of those 84 will probably be driving, so the potential is for 12 students to walk out of 4,500 15,000 homes."

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Commissioner Benich said he thought the intent originally of giving two points was the driving distances to the two major High Schools: Live Oak and Sorbrato. He suggested there is not an attempt to be disrespectful to Central graduates and suggested giving two points regarding walking to the two High Schools and one if within walking distance of Central high School.

Commissioner Mueller rejoined that the School District scores in this category and stated that he did not feel it was being disrespectful, but “If the School District feels that Central is not open to the general public, then the Commission should ‘stay with history’.”

Chair Weston suggested that perhaps the point not be given for walking distance to Central High School this year, but returned to the Subcommittee.

Commissioner Escobar persisted, “In fact, the school has a limited number of students. If the project meets other qualifications, and other criteria are met (primary education), then it is not equitable to have a change in the rules at this point in time. I thought the consensus last year was not to give the point for Central.”

Commissioner Escobar indicated strong disagreement.

Chair Weston polled the Commissioners and ultimately, the matter was referred back to the School District for clarification, with agreement to send this Global Issue to the Subcommittee for discussion for the upcoming competition and next years’ as well.

Commissioners Benich and Escobar said they were in favor of giving points within certain walking distances to Central High School.

### #3 Schools #2d Sobrato High School walking distance

Commissioner Lyle said he had brought this up. “When I travel on Monterey, I was counting the lots that did not have sidewalks, and assumed the rights-of-way did not exist. So other projects have sidewalks and got points. Scott Schilling told me ~~where that the right-of-way exists for all but one of those parcels. Now the applicant wants not to have to purchase west on the right-of-way.~~ When we look at applications for points for walking distance to Live Oak, the distance and route are more problematic for Live Oak than for Sobrato.

**change “where” to “that” & drop the next sentence (begins with “Now”).**

SE Creer agreed that the one parcel doesn’t have the right-of-way, but the applicant does have a letter of commitment *for it* with respect to Condit and Main. ~~The question, he said, is in regards to whether the right-of-way is available for building streets. With respect to Condit and Main, the question is whether the right-of-way is available for building the sidewalk.~~

Commissioner Mueller clarified the guidelines which say the distance requirement indicates a ‘safe walking route’.

Commissioner Lyle points out the requirement of 1.5 miles to the High School *and* a safe walking distance must exist, or the applicant can exhibit the ability to provide those

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conditions.

Commissioner Mueller agreed, saying the commitment must be demonstrated within the first phase or no points are to be given.

### # 4 Housing Needs #4 Fractional unit issue

Commissioner Lyle said the housing needs housing mitigation fee ~~issue is not clear as printed, and lacks continuity~~ *scoring is confused because a paragraph belonging to criteria #4 was mistakenly located in criteria #3*. Commissioners discussed the matter, noting that when determining the number of BMRs to be provided and there is commitment to paying mitigation fees, some projects indicate they will pay the fee and so they get the point. Commissioner Mueller said that's always been the case. Commissioner Lyle said the point of this discussion was that the matter appeared not to be clear ~~on the list~~.

### #5 Housing Needs #4

The Commissioners noted that the City is trying to get more affordable housing, and so there are changes to the criteria. This matter was also discussed by the Commissioners at the September 14, 2004 meeting, with concurrence being reached at that time.

Commissioner Mueller talked about payment of fee in lieu of BMR and the fact that Staff is holding to 5%, so no point were awarded, when in fact fractional unit can pay the fees as well. Commissioner Mueller spoke to the options of averaging and paying the fee, as well.

Commissioner Lyle indicated thinking that with the present system the fractional unit issue would be met the low income grouping, but there might be a problem with the medians.

Commissioner Mueller reiterated that if in the averaging of two fractions the result is less than one-half (1/2) [suggesting the possibility of the need for 2.3 BMRs and 3.3 BMRs], the two fractions add to one-half then possibly a median, could be considered instead of a fee. Commissioners agreed the issue did not go from what the Subcommittee intended, to the final points, and directed Staff to re-look at the project scoring in this category.

#6 Housing Types #2a ~~items 4 and 5 solutions negates this item~~ *needs to be scored consistent with the direction taken for items 4 and 5.*

#7 Orderly and Contiguous #4a and 4b – will be considered in the Open Market category

### #8 Landscaping in R2 projects

Commissioner Lyle told Commissioners that controversy has arisen when an applicant says there has been a change from prior years. This years scoring has posed the matter of ~~R1 lot~~ *R2 lots being capable of having only one tree*, and so did not get the maximum points.

SP Linder explained that R2 projects can not accommodate two trees on the street side, so points were not given. She pointed out that 60 feet is the minimum for two trees and most of the yards have 30 - 35 feet.

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Commissioner Mueller said if the trees are crowded in, they will die.

Chair Weston pointed out that in an R2, if there is less than 60 feet, there cannot be two trees, and this is resultant in no points.

Commissioner Lyle indicated there is probably need for the Subcommittee to clarify this for next year.

Chair Weston clarified this concluded the identified Global Issues and that at this meeting the Commissioners would be going through the Micros, Vertical Mixed Use and Small application reviews. Chair Weston said that following consideration of each of the categories, the Commissioners would return to the list for scoring the discretionary point.

**Applicants for the following proposed residential developments have requested building allotment under the City's Residential Development Control System, pursuant to Chapter 18.78 of the Morgan Hill Municipal Code.**

Chair Weston announced that there would be opportunity for speakers to address each of the applications under consideration; and that the speakers could address matters of interest following announcement and Staff comments on the listed applications, which would represent a public comment period for each.

a) **MICRO MEASURE C, MMC-04-05: DEL MONTE-GIAVONNI:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is a six unit single family residential project on a 1.07 acre parcel on the east side of the northerly extension of Del Monte Avenue, north of Christine Lynn Drive.

Bill McClintock, P.O. Box 1029, MH Engineering Co., said it was unknown in previous years if Staff had addressed the applicants' letters, and questioned how that information is passed through to the Commissioners. Commissioner Mueller responded that if the score received an adjustment, it had been completed on the score sheets provided to the Commissioners. SP Linder said a basic math error caused the total for this project to be adjusted to 152.5 points.

Chair Weston reminded that in this category (Micro awards) the minimum score is ~~150~~ 7.5 in part 1 and that score must be attained to be eligible for scoring in part 2.

Mr. McClintock asked for an additional point in part 1 to the Police and Fire category, explaining that the score in Public Facilities was also affected. Mr. McClintock told Commissioners that this project had been viewed last year without a through right-of-way between Wright and Llagas Streets. Mr. McClintock said he had completed the research and found there was not a right-of-way where it was proposed and therefore there was not an issue of adequacy of improvement. He continued that the right-of-way has been moved over and a grant deed obtained. Mr. McClintock said his question was that if the right-of-way the applicant proposes is with a half-street, the street being 26 ft. within a 30 ft. right-of-way, it should be adequate. "This is a good project and if you look at the current situation, the current use is only a two lane road and if we're only proposing a half street (for the 6 lots), this is better for the circulation, with a through

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street with 2 lanes. He restated the request for the one point in the Police and Fire category, saying the expenditure on the street exceeds the \$4,400/unit.

Commissioner Mueller asked Public Works staff if there really is right-of-way described by Mr. McClintock? SE Creer responded, "We recently received the documentation, and so yes, there is the right-of-way.

Commissioner Mueller asked Planning Staff to re-look at the Police and Fire category to ascertain if part 1 would now be eligible for the additional point. Commissioner Lyle said, "From the report of the Public Works staff, it sounds like this application would get the additional point."

**b) MICRO MEASURE C, MMC-04-06: SAN PEDRO-AHMADI:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is a three unit single family residential project on 8,232 square foot lot at the southeast corner of Cory Lane and San Pedro Avenue.

Bill McClintock, P.O. Box 1029, MH Engineering Co., said that while the project received the minimum passing score in part 1, he was asking for two more in the categories of Quality of Construction and Safety and Security. "This application has gone through the Architectural Review Board (ARB) for two units and this application is asking for one. The applicant is anxious to finish. The quality of the drawings were not that good, but the applicant commits to put in art elements and should have an additional point in Quality of Construction," Mr. McClintock said. As to the Safety and Security category, he requested that Staff and the Commissioners "Please read the letter – and be subjective."

SP Linder said no changes were reported in the revised scoring to the Commissioners, other than any basic math errors.

**c) MICRO MEASURE C, MMC-04-07: GINGER-CUSTOM ONE:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is a six unit single family residential project on 1.43-acre parcel on the south side of an extension to Ginger Way, west of Taylor Avenue.

SP Linder said that the MMC-04-07 project has only one issue: it did not get a minimum score (150) in part 1.

Bill McClintock, P.O. Box 1029, MH Engineering Co., said in past competitions the criteria in the Police and Fire category had 'not been real clear'. He stated he didn't know why the project did not receive points in this category this time, as the applicant is proposing to install Rose Lane to Peebles Avenue, and that should be sufficient as this will be a temporary dead-end street which will be less than 600 feet long. "We have provided a turn around with actually a 2/3 street and two lanes, plus parking. The infrastructure is in place and we don't know why we are not getting points," Mr. McClintock proclaimed.

Commissioner Mueller said that on the map presented, he could not see a turn around, just a 'flat dead-end street'.



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Mr. McClintock responded, "Turn arounds are not just cul-de-sacs," as he called attention to the site plan with the use of a driveway apron for the turn around. "This isn't new – to put an easement on the turn around on private lots," Mr. McClintock said, as he termed it to be an accepted turn around.

Commissioner Mueller asked if the Police Department recognizes this type of turn around?

Mr. McClintock responded that "Yes but it is mostly the Fire Department that is concerned with it and recognizes it as a turn around."

Commissioner Mueller explained why it may be of concern to the Police Department.

Discussion ensued as to the

- potential number of projects with streets that are going to continue in the future
- degrees of concern by the Police and Fire Departments regarding developments such as this one

Mr. McClintock argued: "This is part 1 – and should deal with the infrastructure: sewer, water, streets, and the things that are essential for providing service. The infrastructure to provide services to the project." He noticed that the Measure C Subcommittee had not addressed standards for the last four years in this area and there is need to have those standards written. Commissioner Muller concurred with that need.

Commissioner Lyle ~~indicated~~ *indicated* this project is co-joined by another, ~~"If the other project and this one have overlapping improvements, in the Micro category, the potential is for both to get points. If both the projects get allocations, how can both of them get the points 'which makes overlapping improvements. In micro projects such as these it is much more difficult to make up the points lost for duplication should both projects get allotments'.~~ Commissioner Lyle stated.

Commissioner Benich commented that he 'thinks the applicant makes good points, and we need to use common sense'. The application should get one point, he said.

Gloria Parisean, 19055 Taylor Ave., referenced a letter submitted on January 5, 2005, asking the Commissioners and Planning Staff to review that letter.

Ms. Parisean was assured the matter is to be revisited by Staff.

Commissioner Lyle said that Staff and the Commissioners will be deferring to what the Police Department indicates as to the points.

Commissioner Escobar stated that when a design/review component is noted by the Police Department, the Subcommittee needs to address the matter.

**d) MICRO MEASURE C, MMC-04-09: TAYLOR-MURRAY:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is five unit single family residential project on a .975 acre parcel on the south side of Peebles Avenue and west side of a southerly extension of Rose

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Lane.

Bill McClintock, P.O. Box 1029, MH Engineering Co., told Commissioners that in the Orderly and Contiguous category if one could consider the 100 ft of frontage, agreement could be reached, except for item 3: Certificate of Compliance.

Mr. McClintock said that recently a lot line adjustment was made for the three lots, so if the applicant begins building immediately, the property can't be subdivided further. Mr. McClintock said a Certificate of Compliance is the same as a final. Mr. McClintock told Commissioners that a recordation of map is accepted by the City with no building permits

being needed to begin, as it is considered 'on-going'. "This is not just a deed," he said, "there is City review on a lot-line adjustment and it is recorded."

SP Linder advised that Staff did look at the applicant's response to scoring and found that the area adjacent to lot 1 does not meet the requirements for adjacent development, so no points were awarded in that area.

Discussion followed regarding the legality of the empty lot next door, if it had not been developed, would/not it be part of the Micro since the adjacent lot is empty? Would that mean that these 3 lots are treated as exempt? SP Linder said Staff would assume that "no" to be the case, as a 7,000 sf lot would not provide opportunity for further building.

Commissioner Mueller pointed out that if there is a legal lot of 7,000 sf in an R1, that can be built on under Measure C, as that is considered 'developable'.

Commissioner Lyle reminded there was a recent lot line adjustment and that may have created the 7,000 sf lot.

SP Linder said, "There is the same number of lots, just differently configured now."

Commissioner Mueller recalled only one other time an issue similar to this had been considered, and suggested sending the matter back to staff for reconsideration and to see if re-scoring is needed(-) ?

Commissioner Acevedo sought clarification: "Just because a lot can be developed, is it considered developed? Commissioner Mueller thought it had to be developed. Commissioner Acevedo said, "It doesn't make sense that just because it can be, it doesn't mean it is (developed)." Commissioner Mueller responded that any legal lot can have development to the legal capacity.

The Commissioners settled on the basic question: Should the open land (the vacant lot) be treated as developed or as open space? Consideration should be given, Commissioners decided, on whether the 3 lots could be utilized for single-family dwellings?

e) **MICRO MEASURE C, MMC-04-10: E. DUNNE-KRUSE:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is a 4-lot single family residential development on a 39.69 acre parcel north of the East Dunne Avenue and Thomas Grade intersection.

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Bill McClintock, P.O. Box 1029, MH Engineering Co., urged Commissioners and Staff to 'do the math' on the scoring, which he indicated would add up to 151 total with changes in the score of the Open Space category with a score adjustment of 2 points from 17 to 19 for frontage on the arterial.

Mr. McClintock also argued for the Orderly and Contiguous category, saying the continuation of lot 4 (item 1b) indicated the lot is not landlocked, and therefore should received another point for a total of 18. There was a discussion of the landlocked lot description/definition relying on the State legal requirement and the need to think of the best design. Mr. McClintock said he thought in this case, lot of the cut could be resolved

by moving the driveway through the lot to the south. Consequently, it was discerned the matter needed to be discussed at the Subcommittee level during consideration of the project.

At this point, Chair Weston announced it was time to vote on the 2-point discretion by the Planning Commissioners who would be able to award a maximum of 2-points max in the Livable Community category for a superior project. He reminded that a project must get 5 votes for 2 points, 4 votes = 1 point and projects receiving less than 3 votes receive no points.

**The voting was as follows:**

<b><u>MMC-04-05</u></b>	<b>(2a)</b>	<b>3 votes</b>	<b>0 points</b>
<b><u>MMC-04-06</u></b>	<b>(2b)</b>	<b>1 vote</b>	<b>0 points</b>
<b><u>MMC-04-07</u></b>	<b>(2c)</b>	<b>1 vote</b>	<b>0 points</b>
<b><u>MMC-04-09</u></b>	<b>(2d)</b>	<b>0 votes</b>	<b>0 points</b>
<b><u>MMC-04-010</u></b>	<b>(2e)</b>	<b>1 vote</b>	<b>0 points</b>

**THEREFORE, NONE OF THE MICRO (MMC) PROJECTS RECEIVED POINTS IN THE LIVABLE COMMUNITY CATEGORY, AS COULD BE AWARDED BY THE COMMISSIONERS.**

*Chair Weston was excused at 8:45 p.m. due to a potential conflict with 2 projects in the Vertical Mixed Use category (MC-04-16 and MC-04-20, which were taken out of order at the request of Chair Weston). Vice Chair Lyle assumed authority of the gavel at that time.*

**g) MEASURE C, MC-04-16: E. FIRST-SHERMAN HOUSE ASSOCIATES:**

A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is a vertical mixed used development consisting of 10 apartment units and 8 office units on a .56 acre parcel on the south of East First Street and North side of East Second Street, east of Monterey Road.

MC-04-16: SP Linder announced that one point was added in the Orderly and Contiguous category for a total of 111.5

Lesley Miles, 17300 Monterey Road, told Commissioners this is an interesting 'guinea pig' for this Vertical-Mixed Use category of projects. Ms. Miles said the Downtown Task Force spent much time investigating how to integrate housing and how much retail was needed to make a truly successful downtown.

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Ms. Miles indicated that the criteria for Measure C is organized for single-family dwellings. The downtown is truly a unique development. This project would not meet the current zoning, but would provide for the downtown a livable community. Other challenges must be overcome for successful projects, and Ms. Miles identified one of those as the flood zone. Conversely, she said, there are so many downtown benefits: on every street, the streets, and other infrastructure, are in place and it is so 'right' for a small project or a pocket project. In the case of these projects, Ms. Miles said, we would be looking for allocations of about ten per application.

Ms. Miles stressed the need to reevaluate the criteria because the Vertical-Mixed Use is not able to be scored the same as the Micros or is at the very least, scored as a totally different type of development. In trying to resolve the conflict, she said, the Subcommittee could add points at the beginning in relation to a project base.

Vice-Chair Lyle commented, "When we look at the score with the problems identified, we can see the problem areas." Vice-Chair Lyle urged Ms. Miles to speak with the Subcommittee, as there is 'no way to get to a minimum score (150), but there can be a change of criteria in the Subcommittee for allotment award at the end of summer'.

Commissioner Mueller agreed, saying it is important to re-evaluate the criteria for point changes.

Ms. Miles said that if a developer want to do TDCs and BMRs, with the size of the project needed, it really doesn't 'pencil out', so it is apparent the criteria is more set to the small projects.

Vice-Chair Lyle informed that the Vertical-Mixed Use allotments can be held over to a later date. *However, he noted that the applicant(s) apparently chose not to do specific things in their projects which could have netted them more points. Vice Chair Lyle continued that the point was that while the vertical mixed use needs to be reevaluated separately, scoring higher is possible if the applicants wanted to commit to the things that could garner points.*

Commissioner Benich asked if that would mean a post-Measure C allocations process?

Vice-Chair Lyle said it would be OK to hold over, as these issues raised can be questions for the City Council, adding, "It is not a decision for the Subcommittee."

Commissioner Benich recommended discussion in the subcommittee

Commissioner Acevedo asked if Vertical-Mixed Use is a separate category?

Vice-Chair Lyle said, "It is a separate category now, but provision was not made for a separate scoring criteria.

Commissioners discussed 'reworking' the criteria so 'good high density project' applications will be submitted. Commissioner Escobar stated this category must be treated differently – it is downtown, so it is different.

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i) **MEASURE C, MC-04-20: DEPOT-THE GRANARY:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is a vertical mixed used development consisting of 11 apartment ground floor retail space on a .68 acre parcel at the southeast corner of East Main Avenue and Depot Street.

This was noted to be a similar project to the previous one. Ms. Miles spoke to this one as well, noting 'again we have a very similar condition'. However, she said, this one has many components of a 'livable community', as the Commissioners were asked to take a 'good look at how workable it is, with a totally different look for community'.

Vice-Chair Lyle said the Subcommittee needs to meet soon on this matter. Commissioner Mueller agreed, saying there ~~are~~ *should be* two parallel groups for study, and suggesting the Small-Mixed Use might be considered to go on a 'fast path'.

*Chair Weston returned to his seat at 8:58 p.m. and resumed authority of the gavel.*

f) **MEASURE C, MC-04-15: CHURCH-ALCINI:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is 14 units single family residential development on a 1.66 acre parcel at the northeast corner of Church Street and Bisceglia Avenue.

MC-04-15: Paul Schuyler, 20711 Leonard Rd., Saratoga, said he is the owner and wanted to confirm that he could get BMR points. Commissioner Mueller and Commissioner Lyle said direction had been given to Staff to look at the three condos, identified as BMRs which are clustered. Mr. Schuyler said there is a statement in the Lot Layout category that the BMRs located in a three unit condo looks into a common area shared with the other nine units. He stressed that every unit has a private yard and the HOA controls will be in place. Mr. Schuyler asked for superior points, as the project is downtown, which reflects the Measure C intent.

Commissioners and Staff discussed the following points:

- Parks and Paths scoring in the first item. There was indication by staff that the applicant was providing a park; however, there is a scoring inconsistency on page 3, #6, no points were given for a park – so is there or not?
- SP Linder said the person who scored that section noted that the application did not receive six points, but three for a double commitment, so the score is 8 in parks and 7 in paths for a loss of two points with the total score being 151 on part + 2.

Vince Burgos, 370 Castenada Ave, San Francisco, of DPC, called attention to page 24 where there is indication that there is not a park. The staff comment, Mr. Burgos said, indicates the applicant is providing a park or park-kind of facilities. There should be twice the points, he urged, if there is not a park. Discussion ensued regarding 'what is a park' with Commissioner Lyle and Chair Weston asking Staff to re-look at the application for potential rescoring.

Mr. Burgos asked for clarification in the Lot Layout category, saying the application should get points for a subjective criteria flaw: lot size reduction (50 or 40 ft wide) and 90 - 100 feet in depth in an R1 zoning district. Mr. Burgos said this is a 'detached

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product', but points are only given if the project has lots of 3,500 feet or greater. He noted the comment by Staff that this issue was not pertinent to this project. Mr. Burgos also asked for clarification on the BMR issue and talked of the location, saying that because of the lot depth and width when the plan was presented, Staff had suggested a different layout. He explained that the plans were drawn with the fronts facing into the interior and told of the location of the BMRs. Mr. Burgos spoke to this application as well as the application for an adjacent Vertical Mixed Use project - and others in the area - which he termed 'natural use', as it becomes more of 'a community transition to R1 on the cul-de-sac a of private drive. Mr. Burgos noted in the Lot Layout category, Staff says this is clustering but declared, "This is a court type of scenario."

Bill McClintock, P.O. Box 1029, MH Engineering Co., spoke on the Circulation Efficiency category, calling attention to page 47 where a supplemental letter proposed in the Public Facilities category called for a complete street to Monterey Road and intent to

complete San Pedro as well. We propose improvements to Monterey Road near the Post Office, he told Commissioners. Mr. McClintock asked – in the Circulation Efficiency category – item 41i, why there was not a point for Police and Fire, as the project is less than 150 feet from the sidewalk and a turn around is not required.

Chair Weston asked if the matter of Circulation Efficiency should go back to the Subcommittee? Commissioner Escobar and Commissioner Acevedo suggested asking for clarification from SE Creer. SE Creer informed that, with respect to part 1i, during the scoring process, the project did not meet the criteria based on the configuration shown on page 47.

Commissioner Mueller said the Police Department may have a patrol issue, along with Staff concerns about the Circulation Efficiency. He called attention to b1g, saying the project did not qualify for the two accesses.

Commissioner Lyle cites in item d, the project does not meet the criteria as it reads; it sounds like there is elimination of the street stub and improvements to the arterial/main street.

SE Creer said the narrative does not contain good information, as some streets are marginally developed and Monterey is developed to the maximum, referencing page 46 item 1d.

Discussion followed regarding the work on Monterey. SE Creer clarified how this matter was scored in the past.

Mr. McClintock commented that these applications are very complicated, and frequently have two consultants working on them. "If it is in the application," he said, "it is not new information."

Considerable discussion followed regarding the ingress/egress ability provided for the project. Also discussed (with substantial disagreement) was the inability of Police to view addresses from the main street and emergency personnel access to the project.

Commissioner Lyle asked SE Creer about previously scoring where access was an issue

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(whether it is necessary for emergency personnel to get into the whole project, and not just a couple of units). SE Creer responded that, having scored this category for several years; he found this project somewhat unique, adding the accessibility is 'pretty good'.

Commissioner Mueller persisted with concerns of patrolability problems.

Commissioner Benich said that in the Lot Layout category, on page 43 item 1f (location of BMRs), if the clustering is not a problem, he would add 1 point. SP Linder explained that all the affordable housing is shoved into one cluster, which does not meet the criteria. Commissioner Mueller mentioned the accessibility issue again, with Commissioner Benich agreeing there are too many problems for additional points.

Commissioner Lyle called attention to the 25% lot size reduction in the RPD, saying the Ordinance prohibits such an action in an R2 area, with the only exception being if the

project is a triplex. Commissioner Lyle also said there is need for revisiting the application to ensure consistency with the past, as well as having the Subcommittee re-look at the issue. He also stated the size reduction, if considered, may require a zoning change.

Discussion of this application continued regarding:

- clustering
- master plan
- possible point for page 43 1f in the Lot Layout category
- whether moderates and one BMR can be in one triplex
- the HOA
- Open Space category
- location of BMR
- lot size reduction

**h) MEASURE C, MC-04-17: SAN PEDRO-ALCINI:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007. The project is a 12 unit single family residential on a 1.65 acre parcel at the northwest corner of the intersection of San Pedro Avenue and Church Street.

Paul Schuyler, 20711 Leonard Rd., Saratoga, said the same group of applicants are on this application as well. Mr. Schuyler said the Global issues of:

- BMRs
- public facilities
- natural and environmental

appear to have been addressed.

Mr. Schuyler then turned to the Open Space category, and noting concerns of the scoring in the storm retention area, he asked Planning Staff to reevaluate the 'lost points in three categories because of open space/retention. Mr. Schuyler cited Diana Estates as having a tennis court used as a storm water detention area, and said, "I don't know why we're not getting points for our proposal." Mr. Schuyler then addressed bike lanes, indicating these had been noted by Staff as 'minimum expense' and arguing that he has spent \$35,740 on road/street striping and that is not minimal expense.

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Mr. Burgos addressed the location and size of the proposed park, with the subject raising considerable discussion and concern from the Commissioners. Mr. Burgos said the lack of points for the Park is affecting a number of categories. Mr. Burgos said he had originally suggested a different space and location for the park facility, but now he described the location of the park as 'great' because drainage can be channeled to that spot, and indicating the location is also good for buffering. "We designed the park with landscaping geared for esthetics, so this size park will work," Mr. Burgos said. "We strived for consistency between submittals in Measure P and now in Measure C and feel we have eliminated the 'short block' scenario." Mr. Burgos continued that the application also didn't get points for the oak trees.

Commissioner Mueller continued to express concerns about the location of the park, with Mr. Burgos extolling the virtues of the location.

Commissioner Acevedo asked where the applicant is looking for points in the Parks category, noting that category is 'maxed out' for points. Mr. Burgos said the applicant feels he 'got beat up in the Lot Layout category, because Staff said the layout is fragmented, and saying he is responding that it is not.

Mr. McClintock said that in the Public Facilities category, it is not uncommon for storm drain pipes to go to detention ponds and asked for reconsideration. The pipes go to the ponds to the street," he explained. Mr. McClintock asked the response from Staff that the cost estimate on the arterial street does not warrant a point because of the cost, which he said exceeds \$3,000 per unit.

Commissioner Acevedo said he would consider a point on page 12, item 1b (Open Space category), as the Commissioners have, in the past, allowed retention ponds to be Open Space and/or function as a Park. Commissioner Acevedo said the location serves a lot of functions, but may not be equally located to all of the development. He noted that the applicant asked for 3 points, but got none. "I would give some," he said. Commissioner Benich agrees and spoke on dual usage.

The Commissioners discussed if the Open Space proposed is usable by the residents, with Commissioner Benich saying resoundingly, "Yes – there is space for having a barbecue or playing bocce.

Commissioner Mueller said the 'park' amounts to nothing more than a buffer next to undesirable use and definitely is not a dual use.

The Commissioners said if the area is usable space; it is to be scored as a park.

Commissioner Acevedo asked Staff to re-look at item b1b on page 12, Open Space, where a point was given, but not one in Lot Layout.

SP Linder said if it is usable space, the Staff will need to re-look at other categories if the scoring is given for a park. Commissioner Mueller continued raising concerns of the location of the park. Commissioner Acevedo said it is usable space, so Staff needs to rescore it as a park.

Public Facilities category: AE Gittleson told Commissioners he had worked on scoring



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for this category. He spoke about the storm drain system in the project, saying these types of storm drain systems pick up surface water on the street and channel it to private property. The problem, AE Gittleson said is the connection between the two systems and the maintenance people can't figure out if it is a City or private maintained system, so this particular system is not desirable.

Mr. McClintock said many of these projects have been completed and he thinks the City is responsible for the catch basin. Mr. McClintock said that flooding is limited to the ponding area, adding that flooding occurs 'maybe once every 5 years' and therefore the detention is not high maintenance.

Chair Weston asked about the ponding areas. Mr. McClintock explained that a private property location is in a lot with an easement and there is a seven foot wide easement beside the pipe.

Commissioner Mueller asked about drainage in the rear yards. Mr. McClintock responded that some developments put drainage in rear yards because of maintenance. In some cases where the City does not maintain the drainage, there has been some open drainage at the rear of the yards, referencing previous projects and those locations.

AE Gittleson clarified that he doesn't say the storm drainage system won't work, but it not the most desirable.

Commissioner Mueller asked if there has been review in the City of a system where the drainage pipes are private but the drainage itself is maintained by Public Works. [No] Commissioner Lyle spoke on the Livable Communities, determining this is a subjective matter based on cost estimate – and not the Planning Commission point. DDPW Bjarke added clarification by saying the matter has not been reviewed, but Staff will do so now that they have all the information. He explained the data was embedded in combined reports.

SE Creer brought another issue to the attention of the Commissioners: conformation with the General Plan alignment of San Pedro (San Pedro and Spring Streets). Mr. McClintock said the applicant had spoken with Staff and had not been informed of this issue. Commissioner Mueller said Staff cannot waive General Plan requirements. Mr. McClintock said he didn't know how there could be an alignment of San Pedro with Spring Street.

Chair Weston said if the applicant talked to Public Works and thought there was not a problem; the matter must be re-looked at. Commissioner Mueller said, "By rights, this application should not have been accepted, so the staff must re-look at the application."

j) **MEASURE C, MC-04-27: WRIGHT-DIVIDEND HOMES:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-07. The project is 15-lot single-family residential development on a 2.64 acre parcel on the east side of Oak Grove Drive, north of Wright Avenue.

Bill McClintock, P.O. Box 1029, MH Engineering Co., said this is part of the Dividend Project and Dick Oliver usually does the work totally with some design work from MH Engineering. Because Mr. Oliver is on vacation, and he is speaking for him, Mr.

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McClintock said, a couple of things are of concern: In the Open Space category, points were not provided because of an adjacent park dedication. Mr. McClintock said it was his understanding from City Planning Staff that a linear park using the Llagas path parkway is planned for the future, so Mr. Oliver plans on putting improvements next to that pathway park and requested the points for that action. In the Orderly and Contiguous category, it was determined that a separate lot line adjustment had been made for item 13b.

Earl Heimick, 2230 Wright Road, said he has 2.64 acres nearby, and where they are planning on building houses is a water retention pond. Mr. Heimick told Commissioners that in wet years the area gets flooded. Considerable discussion ensued between Mr. Heimick and the Commissioners, as he expressed continued and escalating concerns of the potential for flooding if the project is built.

The Commissioners assured Mr. Heimick the issue will be considered strongly, and pointed out that much work has been done in the area to enhance drainage.

Chair Weston promised an opportunity for the speaker to continue to register his concerns, as this project will be reviewed several times before completion. Chair Weston guaranteed notification each time the matter is to be heard.

Mr. Burgos said the applicant has concerns about not getting circulation points when other project had. Commissioner Mueller and Commissioner Lyle called attention to the fact that the others had public driveways, and this had a private drive.

Commissioner Lyle asked Staff to look at the Schools category, item bii, citing the need for consistency.

Commissioner Mueller asked about the point for a Park and inquired if the Park Master Plan calls for a linear park as indicated by the speaker? SP Linder said the Staff who scored the project noted the applicant has no confirmation that this park will be part of the Llagas Park project and may be fenced separately.

Having completed the Small Projects category for the evening, the Planning Commission scoring for the Livable Communities category was conducted with the following results:

<b>MC 04-15</b>	<b>0 votes</b>	<b>0 points</b>
<b>MC 04-17</b>	<b>0 votes</b>	<b>0 points</b>
<b>MC 04-27</b>	<b>2 votes</b>	<b>0 points</b>

*Chair Weston announced the next agenda item was for discussion only, and the item would be considered for vote at the January 18, 2005 meeting.*

**k) MEASURE C, MC-04-23: TENNANT-GERA:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 10 single-family units and 6 multi-family units on 14.44 acres located at the Tennant Avenue and Church Street.

George Gera, 13265 Uvas Rd., spoke with the Commissioners about how the project benefits the City:

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- completes an entire City block from Tennant to Church
- combines four separate parcels that could possibly be developed separately
- creates harmonious neighborhood/community area

Mr. Gera said he did not feel other uses would be best for the property and stated he likes this community and has worked for installation of a traffic signal, then promised upgrades to the street. "I'm asking for 16 allocations, with two existing allocations for a total of 14 now. I want to make sure this project is scored in the Small category," he said.

Chair Weston explained there would be no action on the application at this meeting and the final scoring was not complete.

Mr. McClintock spoke on the Circulation Efficiency category, indicating the applicant intends to improve ~~the tenant~~ *Tennant* in front of the property and has offered to build up Monterey Road in front of the GianCarlo's Restaurant on Monterey, and therefore, requesting two points in that category for upgrade to the sidewalk and adding street striping.

SE Creer said it had not been mentioned in part 3, but one-point can be given if the project exceeds the \$1,100/unit for the subdivision.

SP Linder said Staff will review other criteria, as there may possibly be a need for more scoring adjustment.

Mr. Burgos said if the project is going back to be rescored, then opportunity for review of the comments might be appropriate.

SP Linder spoke on the matter of the agenda posting. Commissioner Mueller asked how soon the rescoring can be done? Mr. Burgos agreed with having the matter on the January 18 agenda, promising to e-mail his responses to the Staff report to the Commissioners.

### INFORMATIONAL

#### ITEM:

### **TENNANT STATION SAFEWAY LANDSCAPE IMPROVEMENTS**

SP Linder provided the update, saying Safeway is aware of several items that are wrong with the landscaping, including the signage. However, they are in a 'catch 22', as there is not a utility easement and if they put the signs where they were agreed upon, the sign must be removed. She assured the representatives of Safeway are working with Public Works to rectify the problems. For the opening, SP Linder said, Safeway just threw in the landscaping and they will put it in correctly once the sign is moved. She explained the plan. Commissioner Mueller asked if the vertical pipes would be hidden at completion? [No and the City did not know about this issue previously.]

All the Commissioners said the pipes look terrible. SP Linder explained the location of the pipes has to do with the blending required. SP Linder told Commissioners that this is not the first project where variances have been given for pipes.

Commissioner Benich reminded that the use permit had been conditioned with the narrowing of the drive aisle, to place additional directional signs for businesses throughout the complex, and those have not been applied for. Commissioner Escobar

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asked about the time line. SP Linder assured that Safeway has 'not really stumbled'. The City, she said, has been the holdup because of the permit for the easement, so an extension has been granted. Chair Weston asked if the matter might be resolved by Summer? SP Linder responded, "Absolutely by Spring."

**ANNOUNCEMENTS:** None

**ADJOURNMENT:** There being no further business to come before the Commissioners at this meeting, the meeting was adjourned at 10:50 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**